

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PA REALTY ABSTRACT CO. OF
SPRINGFIELD,**

Plaintiff,

v.

**SEVENSON ENVIRONMENTAL
SERVICES, INC.,**

Defendant.

CIVIL ACTION

NO. 12-4171

O R D E R

AND NOW, this 10th day of July, upon consideration of Plaintiff's Motion for Summary Judgment (Document No. 26, filed November 15, 2013), Defendant Sevenson Environmental Services, Inc.'s Answer to Plaintiff's Motion for Summary Judgment (Document No. 28, filed December 23, 2013), Defendant Sevenson Environmental Services, Inc.'s Cross-Motion for Summary Judgment (Document No. 30, filed December 23, 2013), Plaintiff's Reply to Defendant's Cross-Motion for Summary Judgment (Document No. 33, filed January 13, 2014), and Defendant Sevenson Environmental Services, Inc.'s Memorandum of Law in Reply to Memorandum of Law in Support of Plaintiff's Reply to Defendant's Cross-Motion for Summary Judgment (Document No. 36, filed January 30, 2014), for the reasons set forth by Memorandum dated July 10, 2014, **IT IS ORDERED** as follows:

1. That part of Plaintiff's Motion for Summary Judgment (Document No. 26) seeking the entry of judgment as a matter of law as to the enforceability of the Commission Agreement is **DENIED**;
2. That part of Plaintiff's Motion for Summary Judgment (Document No. 26) seeking the entry of judgment on defendant's Affirmative Defense that the Commission Agreement is unenforceable due to a fraudulent or material misrepresentation made by Alex

Petroski is **DENIED**;

3. That part of Plaintiff's Motion for Summary Judgment (Document No. 26) seeking the entry of judgment as to defendant's Affirmative Defenses based on Colorado public policy, failure of consideration, and mutual mistake of fact is **GRANTED**; and

4. Defendant Sevenson Environmental Services, Inc.'s Cross-Motion for Summary Judgment (Document No. 30) is **DENIED**.

BY THE COURT:

Hon. Jan E. DuBois
DuBOIS, JAN E., J.